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ATTORNEY DOCKET NO. 10040506-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Bill James Peck

Serial No.: 10/813,337

Examiner: Betty J. Forman

Filing Date: March 29, 2004

Group Art Unit: 1634

Title: METHODS FOR IN SITU GENERATION OF NUCLEIC ACID ARRAYS

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

TERMINAL DISCLAIMER  
RESPONSIVE TO A PROVISIONAL DOUBLE PATENTING REJECTION

Sir:

Petitioner, Agilent Technologies Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 11/082,006, filed on March 15, 2005. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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TERMINAL DISCLAIMER - DOUBLE PATENTING  
(continued)

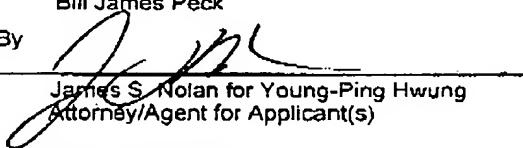
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Please charge the required fee set forth in 37 CFR 1.29(d) of \$130.00 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

Respectfully submitted,

Bill James Peck

By

  
James S. Nolan for Young-Ping Hwung  
Attorney/Agent for Applicant(s)

Reg. No. 53,393

Date: February 27, 2007

Telephone No. (650) 327-3400

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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